

FIRST REGULAR SESSION

HOUSE BILL NO. 234

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KANDER (Sponsor), COLONA, LANT, LASATER, McNEIL, McMANUS, REIBOLDT, HUMMEL, PHILLIPS, WEBBER, KIRKTON, PETERS-BAKER, LAMPE, STILL, HIGDON, TILLEY, WALTON GRAY, ANDERS, PACE, OXFORD, ATKINS, CONWAY (27), McCANN BEATTY, McGEOGHEGAN, RIZZO, MONTECILLO, SIFTON, FALLERT, CASEY, CARTER, FISHER AND SCHUPP (Co-sponsors).

0516L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 455.040, RSMo, and to enact in lieu thereof one new section relating to requiring entry into MULES of certain child custody and visitation information contained in orders of protection.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 455.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 455.040, to read as follows:

455.040. 1. **This act shall be known as "Sam and Lindsey's Law".**

2. Not later than fifteen days after the filing of a petition pursuant to sections 455.010 to 455.085 a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the petitioner has proved the allegation of abuse or stalking by a preponderance of the evidence, the court shall issue a full order of protection for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. Upon motion by the petitioner, and after a hearing by the court, the full order of protection may be renewed for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year from the expiration date of the originally issued full order of protection. If for good cause a hearing cannot be held on the motion to renew the full order of protection prior to the expiration date of the originally issued full order of protection, an ex parte order of protection may be issued until a hearing is held on

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 the motion. Upon motion by the petitioner, and after a hearing by the court, the second full order
15 of protection may be renewed for an additional period of time the court deems appropriate,
16 except that the protective order shall be valid for at least one hundred eighty days and not more
17 than one year. For purposes of this subsection, a finding by the court of a subsequent act of
18 abuse is not required for a renewal order of protection.

19 [2.] 3. The court shall cause a copy of the petition and notice of the date set for the
20 hearing on such petition and any ex parte order of protection to be served upon the respondent
21 as provided by law or by any sheriff or police officer at least three days prior to such hearing.
22 Such notice shall be served at the earliest time, and service of such notice shall take priority over
23 service in other actions, except those of a similar emergency nature. The court shall cause a copy
24 of any full order of protection to be served upon or mailed by certified mail to the respondent at
25 the respondent's last known address. Failure to serve or mail a copy of the full order of
26 protection to the respondent shall not affect the validity or enforceability of a full order of
27 protection.

28 [3.] 4. A copy of any order of protection granted pursuant to sections 455.010 to 455.085
29 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where
30 the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law
31 enforcement agency responsible for maintaining the Missouri uniform law enforcement system
32 or any other comparable law enforcement system the same day the order is granted. The law
33 enforcement agency responsible for maintaining MULES shall [enter information contained in
34 the order] , for purposes of verification, within twenty-four hours from the time the order is
35 granted, **enter information contained in the order including but not limited to any orders**
36 **regarding child custody or visitation and all specifics as to times and dates of custody or**
37 **visitation that are provided in the order.** A notice of expiration or of termination of any order
38 of protection **or any change in child custody or visitation within that order** shall be issued
39 to the local law enforcement agency and to the law enforcement agency responsible for
40 maintaining MULES or any other comparable law enforcement system. The law enforcement
41 agency responsible for maintaining the applicable law enforcement system shall enter such
42 information in the system. The information contained in an order of protection may be entered
43 in the Missouri uniform law enforcement system or comparable law enforcement system using
44 a direct automated data transfer from the court automated system to the law enforcement system.